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FAX TRANSMISSION COVER SHEET

Date: May 3, 2005
To: Amendment
United States Patent & Trademark Office
Fax: (703) 872-9306
Phone:
From: R. Burns Israelsen
Re: Serial No. 10/769,361
Filing Date: 01/30/2004
Docket No.: 13646.8.1.3


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Comments:

Please see attached.

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TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 13646.8.1.3	
In Re Application Of: Ricky B. Steck, et al.					
Application No. 10/769,361	Filing Date 01/30/2004	Examiner Willis Ray Wolfe, Jr.	Customer No. 022913	Group Art Unit 3747	Confirmation No. 7919
Title: FIBER OPTIC SYSTEM FOR DETECTING PUMP CYCLES					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is:					
<ul style="list-style-type: none">- Response to Office Action (2 pgs)- Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (1 pg)- PTO-2038 Credit Card Form in the amount of \$130.00 (1 pg)					
in the above identified application.					
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No additional fee is required.</div><div><input type="checkbox"/> A check in the amount of _____ is attached.</div></div>					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.					
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Charge the amount of _____</div><div><input checked="" type="checkbox"/> Credit any overpayment.</div></div>					
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<div style="text-align: center;"> _____ Signature</div> <p>R. BURNS ISRAEISEN Attorney for Applicant Registration No. 42,685</p>			Dated: May <u>3</u> , 2005		
CC:			<div style="font-size: small;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</div> <div style="text-align: center; margin-top: 5px;">(Date)</div> <div style="text-align: center; margin-top: 10px;">_____ Signature of Person Mailing Correspondence</div> <div style="text-align: center; margin-top: 10px;">_____ Typed or Printed Name of Person Mailing Correspondence</div>		

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MAY 03 2005

**PATENT APPLICATION
Docket No. 13646.8.1.3**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ricky B. Steck, et al.

Serial No.:

10/769,361

) Art Unit
) 3747

Filed:

January 30, 2004

Conf. No.:

7919

For:

FIBER OPTIC SYSTEM FOR DETECTING
PUMP CYCLES

Examiner:

Willis Ray Wolfe, Jr.

Customer No.:

022913

RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Office Action of April 19, 2005 withdrew a previous notice of allowance and rejected claim 1. Claims 2-14 were objected to as being dependent on a rejected base claim, and claims 15-21 remained allowed.

Claim 1 was rejected under the judicially created doctrine of double patenting over claims 1 and 2 of U.S. Patent No. 6,695,593 (the "593 patent"). In response to this double patenting rejection, Applicants submit herewith a terminal disclaimer. This terminal disclaimer

Application No. 10/769,361
Response to Office Action dated May 3, 2005
Reply to Office Action mailed 04/19/2005

is appropriate because both the present application and the '593 patent are commonly owned as shown by an assignment recorded at Rcel 013276 and Frame 0124.

The terminal disclaimer overcomes the double patenting rejection of claim 1. Applicants submit that claims 2-14 are now allowable because the rejection of claim 1 has been overcome. Thus, allowance of the claims is respectfully requested. Applicants note that none of the claims have been amended by this paper.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of May, 2005.

Respectfully submitted,



R. BURNS ISRAELSEN
Registration No. 42,685
Attorney for Applicant
Customer No. 022913

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